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**ARLINGTON REDEVELOPMENT BOARD**

Arlington, Massachusetts  
Middlesex, ss

DOCKET NO. 2717, AS AMENDED BY DOCKET NO. 2905

**DECISION**  
Special Permit Under  
**ENVIRONMENTAL DESIGN REVIEW**

Applicant: Eskar Arlington, LLC  
Property Address: 23 Broadway, Arlington, Massachusetts 02476

Hearing Dates: October 5 and December 7, 2020

Date of Decision: December 7, 2020

20 Day Appeal Period Ends:

January 14, 2021

Opposed

Members  
Approved

Rachel J. Johnson  
David M. Ward  
Karen L. Gint  
Eugene B. Benson

Town Clerk's Certification

Date



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**Town of Arlington, Massachusetts**

**Redevelopment Board**

730 Massachusetts Avenue, Arlington, Massachusetts 02476

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**DECISION OF THE BOARD**

**Environmental Design Review Docket #2717, as amended by Docket #2905**

**23 Broadway, Arlington, MA 02474**

**Eskar Arlington, LLC**

**December 7, 2020**

This Decision applies to the Special Permit application by Eskar Arlington, LLC, to establish a marijuana retailer at 23 Broadway within the B2A Major Business District. The Special Permit is to allow the Board to review and approve the proposed project, under Section 3.4, Environmental Design Review. Public hearings were held on October 5 and December 7, 2020.

**Materials submitted for consideration of this application:**

- Application for EDR Special Permit;
- Existing Conditions dates August 19, 2020;
- First Floor Construction Plan, dated June 16, 2020, with no update date, prepared by AEPMI;
- Broadway Elevation Metal Screen Wall, prepared by AEPMI;
- Broadway Elevation Window Film Options, prepared by AEPMI;
- Site Plan, dated July 12, 2020, and updated October 16, 2020, prepared by Bohler;
- Broadway Elevation Wall Sign dated June 16, 2020;
- Traffic Impact Analysis dated July 17, 2020;
- Eskar Security Policies and Procedures;
- Eskar Parking Exhibit, dated August 19, 2020;
- Eskar Parking Agreement, dated June 24, 2020;
- Memo on LEED practices and checklist dated June 19, 2020;
- Letter to Jennifer Raitt, dated November 4, 2020, including a memo from Vanasse & Associates, dated October 22, 2020;
- Transportation Advisory Committee memo dated November 20, 2020; and
- Response from Vanasse & Associates, dated November 30, 2020.

The following criteria have been met, per Section 3.3.3, Arlington Zoning Bylaw:

1. A marijuana retailer is allowed in the B2A Major Business District via Special Permit. The use is in compliance with the zoning amendments adopted by Special Town Meeting on December

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5, 2018, to address adult-use marijuana uses.

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2. This marijuana retailer meets the requirements of the zoning amendments and acts on the majority vote of Arlington in 2016 regarding recreational use of marijuana.

3. Eskar is committed to ensuring the traffic and circulation are not impacted by the establishment. Specifically, Eskar will work with the Arlington Police Department to develop a Memorandum of Understanding that will govern how Eskar will interact with the Police Department to ensure a smooth opening, and set in place measures to address increased demand on the establishment after opening.

The available on-site parking and on-street parking will be able to accommodate the potential customer demand of this well-situated marijuana retailer. Eskar will request designation of designated ride-share spaces along Broadway from the Select Board. The parking lot will be attended by an employee of Eskar to ensure that its operation is controlled.

4. Eskar will not overload any public utilities: public water, drainage or sewer system or any other municipal system.

5. Eskar is in compliance with Section 8.3, Standards for Marijuana Uses, of the Zoning Bylaw.

6. The use does not impair the integrity or character of the neighborhood. 23 Broadway is located outside of any established buffers. The Cannabis Control Commission has stringent requirements regarding the operation of marijuana establishments including modest signage and prohibiting the visibility of product from outside of the establishment and on-site consumption of product.

7. The use will not be in excess or detrimental to the character of the neighborhood. The Zoning Bylaw applies a 2,000-foot density buffer around this property. Future marijuana retailers will not be able to cluster in this area.

The following criteria have been met, per Section 3.4.4, Arlington Zoning Bylaw:

**A. EDR-1 Preservation of Landscape**

The existing site condition is primarily impervious. There is an elevated landscaped buffer between the parking lot and the adjacent Lahey Health parking lot. There is some internal landscaping as well. The landscaped buffer between the two properties will remain in place, but some small but established shrubs adjacent to the building will be removed to install bicycle racks. There are limited opportunities to install additional landscaping on the site.

**B. EDR-2 Relation of the Building to the Environment**

The marijuana retailer will be established in an existing East Arlington building. There are no additions proposed to the existing building, although a new exit will be installed on the Sunnyside Avenue side and a delivery access point will be installed in the alcove off the drive aisle where a remote teller previously existed for a bank. Due to the Cannabis Control

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Commission's regulations, the windows will be obscured with an interesting applique so that there is no direct view into the sales floor. Although the windows will be obscured, a pedestrian will be able to see that there is activity within the interior.

**C. EDR-3 Open Space**

Limited open space on the site will be maintained. There will be no increase in the amount of landscaped open space on site, which has been unchanged since the building was constructed.

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**D. EDR-4 Circulation**

Eskar will lease access to 12 of the 16 parking spaces on site from the building owner, which is greater than what is required for a retailer:

<b>Parking Requirement</b>			
<u>Use</u>	<u>Square Footage</u>	<u>Zoning Requirement</u>	<u>Total Parking Required</u>
Retail	3,238 sf	1/300 sf*	11 spaces
<b>Total Parking Available to Eskar</b>			<b>12</b>

Marijuana establishments have been opening throughout Massachusetts and one has already opened in Arlington, but there is a novelty of the products that creates excitement around the opening of any new establishment. As a result, traffic and circulation were covered as part of the Redevelopment Board's review.

Eskar estimates that the parking spaces will be able to accommodate the turnover of customers. There is on-street parking on Broadway; the spaces are unmarked. Eskar will pursue formalizing three taxi/rideshare spaces in front of the building on Broadway. The 87 bus is available on Broadway, and more connections are available in Somerville on the opposite side of Alewife Brook Parkway. Broadway is also a short walk from Massachusetts Avenue where connections to multiple bus routes and T locations are available. The availability of MBTA bus lines enable customers to access the establishment via other modes of transportation. Bicycle parking will be provided for long-term and short-term use. Employees will have a dedicated space for storing bicycles inside the building. Customers and other visitors will have access to outdoor bike racks safely separated from vehicle parking. Eskar will add an ADA van parking space in addition to the already marked ADA space.

Certain improvements to the parking lot will support circulation. This includes adding arrows to the ground to enforce the one-way circulation of the driveway and a do not enter sign at the driveway on Sunnyside Avenue. A stop sign and stop line will be painted on the exit drive aisle onto Sunnyside Avenue. A loading dock sign will also be installed to clearly delineate parking for loading only.

Eskar will dedicate staff members to manage customers parking and queuing including at the parking lot to manage the flow of traffic through the parking lot. Additionally, the first month

of business will be appointment based only. Further, Eskar will engage with the Arlington Police Department (APD) to ensure that there are the appropriate controls for traffic, parking, and queuing. Eskar is required to execute a Memorandum of Understanding (MOU) with the Arlington Police Department (APD) to oversee the opening of the establishment.

Finally, Eskar will implement a Transportation Demand Management Plan for employees. This plan includes designating a transportation coordinator, providing public transit information on the Eskar website as well as general parking information, in addition to the previously mentioned bicycle accommodations and ride share parking.

**E. EDR-5 Surface Water Drainage**

There are no existing drainage systems on the site. There are no changes to the site that would necessitate the addition of new stormwater controls.

**F. EDR-6 Utilities Service**

Existing utility systems will be reused. Any solid waste will be stored inside. Non-marijuana solid waste will be disposed of through a private contract. Solid waste of non-marijuana material will be disposed of through a private contract. Solid waste containing marijuana material must be disposed of properly in compliance with the Cannabis Control Commission's regulations.

**G. EDR-7 Advertising Features**

Eskar will have a wall sign mounted above the main entrance to the establishment. Per the Cannabis Control Commission's regulations, the signage does not reference any images relevant to marijuana. The wall sign is approximately 19.5 square feet. The sign will be composed of individual stainless steel letters anchored to the wall. The Cannabis Control Commission's regulations require that the illumination be extinguished 30 minutes after closing. Clear glass on the façade of the building will be obscured using an applique.

**H. EDR-8 Special Features**

There are no such special features proposed for the site. Loading and unloading of deliveries will take place from the alcove along the exit drive aisle.

**I. EDR-9 Safety**

Security is important to Eskar, and surveillance cameras will be installed within the building and on the site per the requirements of the Cannabis Control Commission. Existing light fixtures in the parking lot will be upgraded to be full cut off LED fixtures to provide illumination.

**J. EDR-10 Heritage**

The existing structures are not listed on a state or local inventory nor are they under the jurisdiction of the Arlington Historical Commission.

**K. EDR-11 Microclimate**

There are no changes that will impact the microclimate.

**L. EDR-12 Sustainable Building and Site Design**

Eskar will incorporate best practices related to sustainability, including encouraging public transportation, providing bicycle racks, installing interior and exterior LED light fixtures, and using low-emitting materials in the renovation.

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The Redevelopment Board made the following findings upon approval of the docket:

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1. The marijuana retailer is in compliance with Section 8.3, Standards for Marijuana Uses, of the Arlington Zoning Bylaw.

The project must adhere to the following general conditions:

1. The final design, sign, window treatments, and other façade improvements, shall be subject to the approval of the Arlington Redevelopment Board. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with the Town Bylaws.
6. Upon the issuance of the building permit the Applicant shall file with the Inspectional Services Department and the Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.

The project must adhere to the following special conditions:

1. The Applicant shall work with the Arlington Police Department and Town Counsel to execute a Memorandum of Understanding (MOU) to coordinate efforts with a goal of minimizing and eliminating impacts on the neighborhood, including traffic, parking, and queuing, surrounding the facility at 23 Broadway. Consultation with the Department of Planning and Community Development shall occur to ensure that the MOU is responsive to this Decision.

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2. The Applicant shall be responsible for the cost of any police details provided by the Arlington Police Department to oversee circulation of vehicles and pedestrians.
3. Queueing shall be prohibited in the public right-of-way on Sunnyside Avenue and Broadway except while social distancing requirements are in place per local or state orders.
4. As part of the Annual Sales Report provided to the Town of Arlington, the Applicant shall report how customers and patients arrive at the establishment.
5. The Applicant shall work with the Department of Planning and Community Development to select outdoor bicycle racks that are compliant with the Bicycle Parking Guidelines.
6. The Applicant shall work with the Department of Planning and Community Development to select the final window applique design.